

May 11 2010

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. PR 06-0120

IN RE THE MARRIAGE OF  
ROBIN CINI,

Petitioner,

and

NIGEL CINI.

Respondent.

$$\begin{array}{c} ) \\ ) \\ ) \\ ) \\ ) \\ ) \\ ) \\ ) \end{array}$$

## ORDER

FILED

MAY 1 2010

*Ed Smith*  
CLERK OF THE DISTRICT COURT  
NEW ORLEANS, LOUISIANA

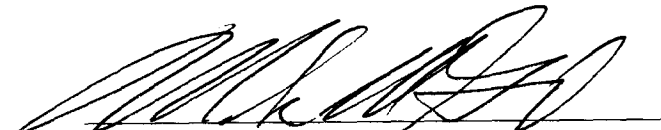
Nigel Cini seeks to disqualify the Honorable Ted O. Lympus from presiding in Cause No. DR 08-483 in the Eleventh Judicial District Court, Flathead County, pursuant to § 3-1-805, MCA. Cini, who apparently is proceeding pro se in the District Court, has submitted an affidavit in support of his motion to disqualify Judge Lympus.

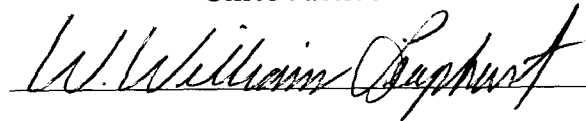
Section 3-1-805(1)(b), MCA, provides that an affidavit for disqualification for cause will be deemed not to have been made in good faith if it is based solely on rulings in the case that can be addressed in an appeal from the final judgment. Cini's affidavit is based solely on such rulings by the District Court. As a result, it is unnecessary for us to appoint a district judge to hear this matter.

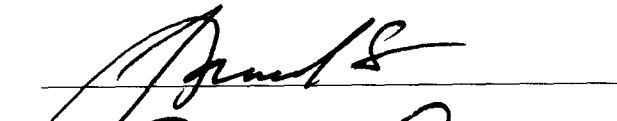
IT IS THEREFORE ORDERED:

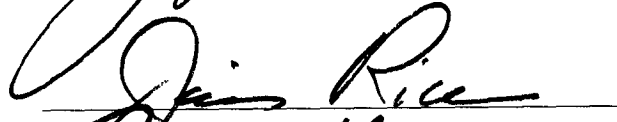
1. The request to disqualify District Judge Lympus from Flathead County Cause No. DR 08-483 is DENIED.
2. The Clerk is directed to provide copies of this order to the Clerk of the District Court of Flathead County for notification to Nigel Cini personally and all counsel of record in Cause No. DR 08-483, and to the Honorable Ted O. Lympus, District Judge.

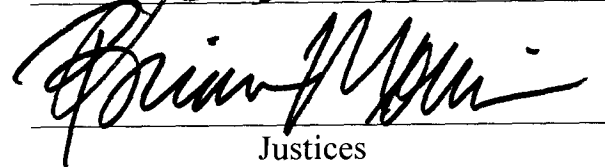
DATED this 17<sup>th</sup> day of May, 2010.

  
Chief Justice

  
W. William Gephart

  
Paul S.

  
Jim Rice

  
Brian M. Mc  
Justices